

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO
DEPARTMENT 30

---oOo---

PEOPLE OF THE STATE OF CALIFORNIA,)
)
Plaintiff,)
) Court No. 19017261
vs.)
)
JIMMY TANNER,) Pages 1-12
)
Defendant.)
)
_____)

Reporter's Transcript of

APD RESTITUTION REPORT

WEDNESDAY JULY 28, 2021

BEFORE: THE HONORABLE TERESA CAFFESE, JUDGE

---oOo---

APPEARANCES OF COUNSEL:

For the People:

CHESA BOUDIN
District Attorney
District Attorney's Office
County of San Francisco
350 Rhode Island Street
North Building, Suite 400n
San Francisco, CA 94103
BY: GREG FLORES
Deputy District Attorney

For the Defendant:

MANOHAR RAJU
Public Defender
Public Defender's Office
County of San Francisco
555 7th Street
San Francisco, CA 94103
BY: SLIMAN NAWABI
Deputy Public Defender

For Mr. Le:

QUYEN TA
Attorney at Law
King & Spalding
50 California Street, Suite 3300
San Francisco, CA 94111

REPORTED BY: DIANA PAQUETTE, CSR NO. 14192

1 WEDNESDAY JULY 28, 2021 - MORNING SESSION

2 BEFORE: THE HONORABLE TERESA CAFFESE, JUDGE

3 --oOo--

4 THE COURT: Let's call tanner on line six. State your
5 appearances.

6 MR. FLORES: Greg Flores for the People.

7 MR. NAWABI: Sliman Nawabi.

8 MS. TA: Good morning, Your Honor. My name is Quyen Ta.
9 Q-Y-U-E-N, first name. Last name is Ta, T-A. I'm a partner at
10 the law firm of King and Spalding representing the victim, and
11 his name is Anh Le. A-N-H, L-E. We have submitted for the
12 Court and to the probation officer a victim impact statement.
13 The first part of it beginning with my name is Mr. Le going all
14 the way through finally that basically states the facts. So I
15 don't want to repeat that nor do I wish for my client to be
16 re-victimized by having to read the entire statement, but for
17 the written record as well as for the verbal record for this
18 matter because unfortunately Mr. Le was not given the proper
19 opportunity to be a part of the system in order for him to even
20 give his voice to the Court and for the Court to consider how
21 this has impacted for purposes of sentencing, he does wish to
22 make a short statement beginning with where it says Mr. Tanner,
23 and I'd like him to read it.

24 We very deeply appreciate the Court's indulgence in allowing
25 our client to make the statement. Mr. Le, if you can introduce
26 yourself to the Court.

27 MR. FLORES: Before you begin let me do a little set up
28 here. Today is the first appearance in the restitution court.

1 It's on today for the receipt of the restitution report created
2 by APD, which we have received. Part of that report is what's
3 requested in the restitution, but it also includes Mr. Le's
4 statement. So I think Mr. Le would now like to give a portion
5 of that statement since he wasn't allowed to do so at
6 sentencing.

7 THE COURT: Of course. Mr. Le, thank you for being here.
8 Go ahead, sir.

9 MR. LE: Good morning, Your Honor. My name is Anh Le. May
10 I read to you part of the victim impact statement?

11 THE COURT: Yes. Whatever you want, sir. Take your time.

12 MR. LE: Thank you, your Honor. Thank you for giving me
13 this opportunity to read to you, Your Honor, in the Court here
14 in San Francisco my victim impact statement, which is three
15 pages long.

16 THE COURT: Do you want to sit down, sir?

17 MR. LE: I'm fine, Your Honor.

18 Your Honor, Mr. Tanner took away my dignity and sense of
19 safety. As I described the DA's office has taken away my hope
20 for justice and allowed a violent criminal, Jimmy Tanner Sr.,
21 and his adolescent son to run the street looking for more
22 victims and praying on elderly Asian Americans to attack and
23 assault.

24 Ever since November 2019, Your Honor, I cannot help but
25 picture the attack over and over again. I no longer feel safe
26 walking the streets in our city as I used to love to do. I look
27 over my shoulder and wonder if there are people who want to hurt
28 me because I am Asian American. Knowing that the attack was

1 never acknowledged, never acknowledged, as a hate crime and that
2 Mr. Tanner Sr. and his son will suffer no meaningful criminal
3 consequences for their cowardly attacks is a disgrace on the
4 part of the DA's office, in the City and County of San Francisco
5 and an insult, yes, an insult to the brave San Francisco Police
6 Department officers who arrested the Tanners, plural, in an
7 effort to keep people like me safe.

8 Your Honor, I was -- although I was extraordinarily lucky
9 not to have been seriously injured or killed, the attack has
10 left me with a profound and lasting feeling of fear, anxiety,
11 helplessness and hopelessness. For 20 months since the attack,
12 Your Honor, I have not slept soundly even a single night and
13 live with constant anxiety, Your Honor. I rarely leave the
14 house, and my relationships with my family and friends have been
15 impacted as well. I recently, Your Honor, realized that I need
16 professional help to deal with the trauma and anxiety and
17 post-traumatic stress syndrome, PTSD, caused by the attack.

18 I therefore, Your Honor, respectfully ask the Court to award
19 me restitution for copays for my visits to a psychotherapist,
20 \$33.92 copayment per weekly visit times 52 weeks equaling
21 \$1,763.84. In recognition of what this attack has cost me in my
22 ongoing pain and suffering, Your Honor, I also wish to note,
23 Your Honor, and to the Court that this -- these -- figures are
24 based on today's estimate. The final actual amounts may be
25 slightly higher depending on what the actual copayment will be.
26 That will be found out by my psychotherapist after she receives
27 her payment from the insurer. Thank you, your Honor.

28 Your Honor, I also ask that the Court, Your Honor, here in

1 San Francisco grant me a restraining order/criminal protective
2 order for the greatest possible time and with the greatest
3 possible distance requirements, Your Honor, against Jimmy Tanner
4 Sr., his adolescent sons, his wife, and his entire family. I
5 request the Court to grant me a restraining order/criminal
6 protective order for the greatest possible time and with the
7 greatest possible distance requirements against the Tanners to
8 protect me and my family -- to protect my family and myself
9 given that the DA's office cannot assure me that they have done
10 so, that they have done that -- I'm sorry.

11 Let me read that again, Your Honor. I also ask that the
12 Court grant me a restraining order/criminal protective order for
13 the greatest possible time and with the greatest possible
14 distance requirements against the Tanners to protect my family
15 and me, to protect my family and myself given that the DA's
16 office cannot assure me that they have done this correctly.

17 Your Honor, my true losses cannot be quantified, but this
18 acknowledgment, Your Honor, which I've otherwise been denied by
19 our justice system here in the United States of America -- and I
20 am a citizen of the United States of America. I am a citizen of
21 the United States of America and a citizen of the State of
22 California and a citizen of the City and County of San Francisco
23 with all the rights thereto. My true losses, Your Honor, cannot
24 be quantified, but this acknowledgment which I've other wise
25 been denied by our justice system is very important to me as I
26 begin the process of healing with the help of mental health
27 professionals.

28 Your Honor, respectfully -- and I really respect you and I'm

1 very grateful to you, Your Honor. Your Honor, I thank Your
2 Honor, Judge, and I thank the Court here, which you're presiding
3 at this moment. I thank you you, Your Honor, and this court,
4 which you're the presiding judge for the opportunity to be heard
5 through this victim impact statement and for its consideration
6 of my request respectfully submitted. Thank you very much, Your
7 Honor.

8 THE COURT: Thank you, Mr. Le. It took a lot of courage to
9 come here and state -- there's nothing I can do to take away the
10 harm that's caused you today personally, but you're doing the
11 right thing and I hope that, you know, you're obviously taking
12 steps to take care of yourself and that's important. You don't
13 need me to tell you this because I'm sure you know this, but
14 hopefully going forward you'll be okay and you'll get the
15 support you need and I don't know what kind of people do this
16 and you're right. The DA's office should have notified you
17 because that's the law. That's Marsy's Law.

18 Who negotiated this? I'm not suggesting this, but I'm just
19 curious who negotiated this?

20 MR. LE: Your Honor, may I respond to what you just said?

21 THE COURT: Yes.

22 MR. LE: Specifically to what you just said, Your Honor, the
23 DA's office including the so called victims advocate Priscilla
24 Portillo; including Diego Lopez, the assistant DA; including
25 Dennis Chow who was initially on the case briefly at the
26 beginning and then late in the game; and another assistant DA
27 who came on the scene only after I made my request repeatedly --
28 somebody named is Colin Alexander. To reply to your question a

1 moment ago or to reply to your moment ago, may I just share with
2 you and the Court for the record that I have corresponded by
3 email with Priscilla Portillo, the so called victims advocate
4 and Diego Lopez, the assistant DA, who never once spoke with me.

5 May I say to you, Judge, to respond to what you just said,
6 that shortly after April 12th, 2021, I received an email from
7 Priscilla Portillo and with a CC to Diego Lopez letting me
8 know -- and I quote Priscilla Portillo's email to me -- "Mr. Le,
9 yesterday we resolved the case. Jimmy Tanner Sr. pled to
10 battery, one year probation, one year restitution with
11 restraining orders/criminal protective order."

12 I just wish to note to you, Your Honor, and the Court for
13 the record that never once, never once, zero, never once, Your
14 Honor, did Priscilla Portillo, the so called victims advocate
15 nor her colleague Diego Lopez, let me know that they were even
16 considering a plea agreement nor did they ever, ever, Your
17 Honor, speak with me about the plea agreement which they were
18 considering -- and I'm saying which they were considering only
19 after the fact -- nor did they ever give me the opportunity to
20 review the proposed plea agreement and that to me, Your Honor,
21 even though I'm not a lawyer by any means or am I a judge as you
22 are, I know specifically, Mr. Flores, and, Judge, Your Honor,
23 that that specifically is a violation of Marsy's Law.

24 THE COURT: You're right about that.

25 MR. LE: By the way may I say one more thing and I'll defer
26 to my attorney. After I received the email from Priscilla
27 Portillo, I requested Priscilla Portillo to please send me the
28 restraining order/criminal protective order by email as well as

1 requested her to send it to my home address. No reply
2 whatsoever. I can document that through the e-mails. One more
3 thing, Your Honor.

4 THE COURT: Go ahead.

5 MR. LE: I kept repeating my request. Your Honor, I just
6 want to say to Your Honor and this court that after receiving
7 that email I sent a reply by email to Ms. Priscilla Portillo and
8 Diego Lopez requesting them to send this quote/unquote
9 restraining order/criminal protective order, CPO. Never once
10 did they reply to my request. I repeated my request repeatedly.
11 No reply.

12 Then later on some new assistant DA named Colin Alexander
13 came on the scene. I made my request to him with CCs to
14 Priscilla Portillo and Diego Lopez. Took him a whole day. We
15 don't even have you on record. We don't even have your name.
16 We don't have you your record. We don't have you on record. I
17 can't find you.

18 THE COURT: Thank you, Mr. Le. I wish you all the best of
19 luck in your recovery and I really appreciate the comments that
20 you've made and I'm sure Mr. Flores will take your comments back
21 to his office and discuss what you've explained here to the
22 administration there I hope.

23 MS. TA: Thank you, your Honor. I didn't want to cut off
24 our client, but I know that we have spent quite a bit of time
25 with him. We were referred this matter from the Alliance, which
26 is as I think I told you off the record is a group of law firm
27 partners, Asian American law firm partners, who are referred
28 victims such as Mr. Le who did not get the opportunity -- we're

1 too late, Your Honor. There's nothing we can do but the
2 criminal justice system, which is extremely unfortunate. Just
3 to be efficient we will work with Mr. Flores's office to address
4 the issues that you saw today, the things that we would like to
5 do -- I will definitely provide a declaration from the therapist
6 to sign with receipts because he's attended a few sessions now.

7 The one thing that we'd like to address with the Court is
8 that so far as the protective order -- and I can attest to what
9 Mr. Le said. He looked for the file. He was passed around like
10 a file. A file that was not important to the system and so
11 we're here today, but with the protective order his full name is
12 not even listed. This is probably a very ministerial matter.
13 We have a copy of the protective order, and it just says Anh L.,
14 male, 67. For purposes of his dignity and actually his
15 protection, he respectfully asks the Court to have his full name
16 there so that he can hang onto this protective order because
17 it's very important to him and his safety.

18 The other thing is -- my understanding, Your Honor -- and
19 I'm a civil trial lawyer, not a criminal lawyer, but I think the
20 protective order is only for one year. If that's the maximum,
21 that's the maximum. He would obviously like to request the
22 length of this protective order to be more like two or three
23 years. Whatever is possible. We were told by the DA's office
24 this is it, just because Mr. Tanner only received one year of
25 probation. That's the request in so far as the criminal
26 protective order.

27 THE COURT: I wasn't the sentencing judge. My understanding
28 is the defendant received one year probation, and there's a

1 protective order for one year, which would cover the year
2 probation period. I would imagine the other recourse would be a
3 civil restraining order.

4 MS. TA: We've considered that.

5 THE COURT: You would have to pursue, but that's the extent
6 of the jurisdiction this court would have

7 MS. TA: Thank you, your Honor. Is it possible for us to
8 work with the Court to get Mr. Le's full name placed on here?
9 His name's not even on this criminal protective order.

10 MR. FLORES: The reason why I looked at yours because there
11 is one in here from the original arrest, which is dated 2019 and
12 his full name. I think they did they did the L for his
13 protection because you need to have this served to the
14 defendant. In other words, you'd have the defendant have his
15 full name.

16 MS. TA: We can work with the DA's office if there's
17 anything else we need to do for him, but we certainly deeply
18 appreciate the Court's time and indulgence. This is the first
19 time that Mr. Le has been able to tell anyone besides his
20 lawyers; so we thank the Court for your time for allowing Mr. Le
21 the ability to tell.

22 THE COURT: Mr. Le, thank you for your courage.

23 MR. LE: May I say one more thing to Your Honor?

24 THE COURT: Of course.

25 MR. LE: Your Honor, what I'm holding is a yellow colored
26 piece of paper by the clerk Michael Drabick dated April 12th.
27 On this criminal protective order as my lawyer already mentioned
28 to you my name is not even spelled correctly. My last name is

1 only listed as capital L, and we're assuming that this piece of
2 paper is referring to me, the victim, when my first name is
3 listed and my last name is listed as capital L period. 67,
4 which is not my age. My age, Your Honor, is 69.

5 I will be glad to show the Court this to give to you to take
6 a look at, but I do want to say this on the record that this
7 yellow piece of paper -- it lists the full name, ages, and
8 gender of each protective person and I see here that it lists
9 the name of Ching Wong, 84 years of age, male. A-N-H capital L,
10 male, 67. I presume it's me. I'm not even sure whether they're
11 referring to me or not. Also somebody named Siu, initial C,
12 initial F, 66. May I just to see you, Your Honor, as you
13 already know this, but I just want to say this for the record
14 for the Court Ching Wong is Chinese Siu is Chinese. ANH capital
15 L initial, presuming that they're actually referring to me. And
16 I don't know that because there is no full last name and the age
17 is wrong -- the first name listed Mr. or Ms. Wong, 84, and the
18 third name listed Siu, initial C, period, F, period, are all
19 Chinese. I am Vietnamese.

20 I'm a human being and I'm a citizen of the United States --
21 as you will see in the victim impact statement, three pages
22 long, Your Honor, I am today as of July 28, 2021, still waiting
23 from the district attorney's office as well as from the City and
24 County of San Francisco court system a restraining
25 order/criminal protective order to protect my family and myself
26 and one more thing.

27 Just for your information here among the preprinted lines
28 here, which are checked off, it actually says three years for

1 this criminal protective order. Three years, Your Honor, not
2 one year. Thank you very much, Your Honor.

3 THE COURT: Good luck to you, sir.

4 MR. LE: Thank you, your Honor.

5 THE COURT: Should we get another date for the hearing?

6 MR. FLORES: The best way to approach this would be put it
7 off to another to set date, so we can get the receipts and
8 determine where he is on his treatment.

9 MS. TA: That's fine with us, Your Honor, and also
10 Mr. Flores.

11 MR. NAWABI: Can we do August 31st? Or the week before.

12 MS. TA: Is it possible -- my apologies -- to do September
13 for my own schedule and Mr. Le cannot do Tuesdays. 13th or 15th
14 of September.

15 MR. NAWABI: I can do the week after. I'm not there that
16 week.

17 THE CLERK: The 20th is good for the Court.

18 MS. TA: That would be wonderful with us.

19 THE COURT: September 20th to set.

20 (Whereupon proceedings concluded.)
21
22
23
24
25
26
27
28

1
2 State of California)
3 County of San Francisco)
4

5 I, DIANA PAQUETTE, Official Reporter for the Superior Court
6 of California, County of San Francisco, do hereby certify:

7 That I was present at the time of the above proceedings;

8 That I took down in machine shorthand notes all proceedings
9 had and testimony given;

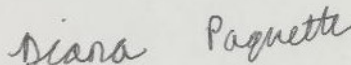
10 That I thereafter transcribed said shorthand notes with the
11 aid of a computer;

12 That the above and foregoing is a full, true, and correct
13 transcription of said shorthand notes, and a full, true and
14 correct transcript of all proceedings had and testimony taken;

15 That I am not a party to the action or related to a party
16 or counsel;

17 That I have no financial or other interest in the outcome
18 of the action.
19

20 Dated: August 18, 2021
21
22

23
24 

25 _____
26 DIANA PAQUETTE, CSR No. 14192
27
28